UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,427	12/12/2000	Mark J. Holden	11433RRUS01U/22171.177	5622

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EXAMINER
PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

X₁

	Application No.	Applicant(s)
Office Action Summary	09/735,427	HOLDEN ET AL.
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 February 2005</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-10,20-25 and 27-30</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-10,20-25 and 27-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments and remarks filed on February 22, 2005, and February 7, 2005.

Response to Arguments

2. Applicant's arguments filed February 7, 2005, and February 22, 2005, have been fully considered but they are not persuasive. Applicant argued that:

   a) Bondarenko fails to teach, "sending, by the user <u>at any time while the call is in the queue</u>, a dynamic request to the ACD server to determine at least one of the following queue information."

   b) Bondarenko fails to teach, "receiving a call placed from a user to an <u>ACD server</u>;...sending, by the user at any time while the call is in the queue, a dynamic request to the <u>ACD server</u> to determine at least one of the following queue information...".

   c) Kelly fails to teach, "responsive to the user terminating the call before the ACD server transfers the call to a live agent, <u>track how much time the user has been on hold and prioritize the user within the queue the next time the user calls back</u>".

   d) Examiner used improper hindsight reasoning to combine Bondarenko and Burg, and Brady and Kelly, respectively.

Examiner respectfully disagrees with Applicant's arguments.

3. Regarding items a) and b), Examiner submits Bondarenko clearly teaches receiving a call placed from a user to an ACD server, (col. 11, lines 30-42). Although Bondarenko teaches terminating a users call attempt once the user's virtual queue position is established, Bondarenko teaches the user's call remaining in a queue, and the user being able to send a dynamic request to the ACD server (29), via an intermediate server (24), to determine position of the call in the queue and other related queue data, (col. 7, lines 56-61, and col. 11, lines 43-58).

4. Regarding item c), Kelly teaches a means for tracking how much time a user has been on hold, (col. 20, lines 53-57), and also teaches prioritizing a user in a queue before a user is transferred to a live agent, (col. 21, lines 54-67, and col. 22, lines 1-2). Furthermore, Examiner submits it would have been obvious to one of ordinary skill in the art to modify the teachings of Brady with the teachings of Kelly to provide a means for tracking how much time the user has been on hold and prioritizing the user within the queue the next time the user calls back, if the user terminates the call before the ACD server transfers the call to a live agent for reasons indicated in previous actions.

5. Regarding item d), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only

from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*,

443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

6. Furthermore, the Examiner has interpreted the claim language as broadly as

possible. It is also the Examiner's position that Applicant has not yet submitted claims

drawn to limitations, which define the operation and apparatus of Applicant's disclosed

invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies

the Applicant intends broad interpretation be given to the claims. The Examiner has

interpreted the claims with scope parallel to the Applicant in the response and reiterated

the need for Applicant to define the claimed invention more clearly and distinctly.

Accordingly the references supplied by the examiner in the previous office action covers

the claimed limitations. Applicant is requested to review the prior art of record for

further consideration.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 2, 7, 8, 10, 20, 30, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bondarenko et al. (hereinafter Bondarenko), U.S. patent 6,389,028,

in view of Burg et al. (hereinafter Burg) U.S. patent publication 2003/0061354.

9. In considering claim 1, Bondarenko teaches a method for interacting with a an

automatic call distributor, the method comprising: receiving a call placed from a user to

an ACD server, placing the call into a queue, sending, by the user at any time while the

call is in the queue, a dynamic request to the ACD server to determine at least one of

the following queue information selected from the group consisting of a user's queue

position, holding times, and other related queue data, and returning the queue

information from the ACD server to the user, (col. 11, lines 30-58).

Although the disclosed method of Bondarenko shows substantial features of the

claimed invention, it fails to disclose: the ACD server comprising a Session Initiation

Protocol (SIP) server.

Nevertheless, in a similar field of endeavor Burg discloses a method for

delivering call queue messages for calls launched from the Internet comprising: sending

a request to a gateway 160, wherein the sending request utilizes SIP, and the gateway

is an SIP proxy server (page 5, paragraphs 101-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill

in the art at the time of the present invention, to modify the teachings of Bondarenko in

order to have the ACD server comprise an SIP server. This would have provided a fast,

scalable, and easy to implement protocol, that would be independent of the lower layer

transport protocol, and would therefore improve communication between the user and
the ACD server comprising an SIP server, Burg, page 5, paragraph 100.

10. In considering claim 2, although the method of Bondarenko shows substantial
features of the claimed invention, it fails to explicitly disclose: sending the request
utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for
delivering call queue messages for calls launched from the Internet comprising: sending
a request to a gateway 160, wherein the sending request utilizes SIP, (page 5,
paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill
in the art at the time of the present invention, to modify the teachings of Bondarenko in
order to have the request, sent to the ACD server, utilize SIP. This would have
provided a fast, scalable, and easy to implement protocol, that would be independent of
the lower layer transport protocol, and would therefore improve communication between
the user and the ACD server, Burg, page 5, paragraph 100.

11. In considering claim 7, although the method of Bondarenko shows substantial
features of the claimed invention, it fails to expressly disclose: utilizing an SIP based
client for establishing the call with the ACD server.

Nevertheless, the method of Burg teaches: utilizing an SIP based client for
establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the an SIP based client for establishing the call with the ACD. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the ACD server, Burg, page 5, paragraph 100.

12. In considering claim 8, the method of Bondarenko further teaches: the user within a PSTN, (col. 5, lines 45-63).

Although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: the ACD server being an SIP based client.

Nevertheless, the method of Burg teaches: a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

13. In considering claims 10, 20, and 30, Bondarenko teaches a method, system, and computer program for interacting with an ACD server, the method, system and computer program comprising: receiving a call placed from a user to an ACD server, the user call being placed in a queue while awaiting to be connected with a line agent, sending a dynamic request to the ACD server to determine one of the following queue information selected from the group consisting of a user's queue position, holding times, and other related queue data, at any time while the call is in the queue, (col. 11, lines 30-58).

Although the method, system and computer program of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: sending the request utilizing SIP, and the ACD server comprising an SIP server.

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising: sending a request to a gateway 160, wherein the sending request utilizes SIP, and the gateway is an SIP proxy server (page 5, paragraphs 101-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server comprise an SIP server. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server comprising an SIP server, Burg, page 5, paragraph 100.

14. Claims 3, 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko and Burg in view of Kelly U.S. patent 5,999,965.

15. In considering claim 3, the method of Bondarenko further teaches: a callback feature, (col. 4, lines 12-19).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Kelly teaches an ACD server for computer telephony communications comprising: an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to have the ACD server maintain an abandoned call tracking feature that may be used to call back a user when the ACD server has determined priority based on a number of times that the user has called and an accumulated wait time. This would make the ACD server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

16. In considering claim 5, although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: tracking how

much time the user has been on hold and crediting the user with time when a user calls

back.

Nevertheless, the method of Kelly teaches: an abandoned call tracking feature

for recording the amount of time a user has waited before abandoning a call, and

transferring the information to an agent for callback, (col. 20, lines 53-57).

Although not expressly stated, it would have been obvious to a person, at the

time of the present invention, to use the recorded information to credit the user with the

time the user has waited, the next time the user calls back. Thus, given the teachings

of Kelly, it would have been apparent to one of ordinary skill in the art to modify the

teachings of Bondarenko to have the ACD server maintain an abandoned call tracking

feature that may be used to credit a user, who terminated a call before being transferred

to a live agent, with an appropriate amount of time the next time the user calls back.

This would make the ACD server more robust, and would further facilitate a users

desired interaction with an agent, Kelly, col. 10, lines 60-63.

17. In considering claim 6, although the disclosed system of Bondarenko shows

substantial features of the claimed invention, it fails to explicitly disclose: tracking how

much time the user has been on hold and prioritizing the user within a queue when a

user calls back.

Nevertheless, the method of Kelly teaches: an abandoned call tracking feature

for recording the amount of time a user has waited before abandoning a call, and

transferring the information to an agent for callback, (col. 20, lines 53-57); a call

prioritizing feature that prioritizes users within a queue depending on how much time a user has been on hold, (col. 21, lines 54-67, col. 22, lines 1-2).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded abandoned call information to prioritize the user within a queue, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to have the ACD server maintain an abandoned call tracking feature, and a call prioritizing feature that may be used to prioritize a user within a queue when the user, who initially terminated a call before being transferred to a live agent, calls back. This would make the ACD server more robust, and would further facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

18. Claims 4, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko and Burg, in view of Korilis et al. (hereinafter Korilis) U.S. patent 6,335,744.

19. In considering claim 4, the method of Bondarenko further teaches: a push technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: pushing web content from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to push web content to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

20. In considering claim 9, the method of Bondarenko further teaches: a push technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: pushing games from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to have the ACD server push games to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

21. Claims 21- 23, 25, 27, 28, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brady U.S. patent 6,226,287, in view of Kelly, and further in view of

Burg.

22. In considering claim 21, Brady teaches an automatic call distributor (ACD),

said ACD comprising: at least one link server 105, (see fig. 10); means, responsive to

receiving a call placed from a user to a link server, for placing the user call in a queue,

(col. 2, lines 66-67, col. 3, lines 1-3); means, responsive to a user request subsequent

to placing the call, for dynamically determining call handling time, such as position in a

queue, (col. 9, lines 25-37); means for transmitting the queue information from the link

server to the user, (col. 9, lines 37-39).

Although the disclosed system of Brady shows substantial features of the

claimed invention, it fails to explicitly disclose: tracking how much time the user has

been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, the method of Kelly teaches: an abandoned call tracking feature

for recording the amount of time a user has waited before abandoning a call, and

transferring the information to an agent for callback, (col. 20, lines 53-57); a call

prioritizing feature that prioritizes users within a queue depending on how much time a

user has been on hold, (col. 21, lines 54-67, col. 22, lines 1-2).

Although not expressly stated, it would have been obvious to a person, at the

time of the present invention, to use the recorded abandoned call information to

prioritize the user within a queue, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature, and a call prioritizing feature that may be used to prioritize a user within a queue when the user, who initially terminated a call before being transferred to a live agent, calls back. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

Although the modified teachings of Brady shows substantial features of the claimed invention, they fail to further disclose: the ACD server comprising a Session Initiation Protocol (SIP) server.

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising: sending a request to a gateway 160, wherein the sending request utilizes SIP, and the gateway is an SIP proxy server (page 5, paragraphs 101-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server comprise an SIP server. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server comprising an SIP server, Burg, page 5, paragraph 100.

23. In considering claim 22, although the method of Brady shows substantial features of the claimed invention, it fails to explicitly disclose: receiving the request via Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising: receiving a request at a gateway 160, wherein the request was received via SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server receive the request via SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the link server, Burg, page 5, paragraph 100.

24. In considering claim 23, the method of Brady further teaches: the link server offering a callback option, (col. 2, lines 48-51).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose: calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, Kelly teaches an ACD server for computer telephony communications comprising: an abandoned call tracking feature for recording the

amount of time a user has waited before abandoning a call, and transferring the

information to an agent for callback, (col. 20, lines 53-57).

Given the teachings of Kelly, it would have been apparent to one of ordinary skill

in the art to modify the teachings of Brady, to have the link server maintain an

abandoned call tracking feature that may be used to call back a user when the link

server has determined priority based on a number of times that the user has called and

an accumulated wait time. This would make the link server more robust, and would

facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

25. In considering claim 25, although the disclosed system of Brady shows

substantial features of the claimed invention, it fails to explicitly disclose: tracking how

much time the user has been on hold and crediting the user with time when a user calls

back.

Nevertheless, the method of Kelly teaches: an abandoned call tracking feature

for recording the amount of time a user has waited before abandoning a call, and

transferring the information to an agent for callback, (col. 20, lines 53-57).

Although not expressly stated, it would have been obvious to a person, at the

time of the present invention, to use the recorded information to credit the user with the

time the user has waited, the next time the user calls back. Thus, given the teachings

of Kelly, it would have been apparent to one of ordinary skill in the art to modify the

teachings of Brady to have the link server maintain an abandoned call tracking feature

that may be used to credit a user, who terminated a call before being transferred to a

live agent, with an appropriate amount of time the next time the user calls back. This

would make the link server more robust, and would facilitate a users desired interaction

with an agent, Kelly, col. 10, lines 60-63.

26. In considering claim 27, the method of Brady further teaches: utilizing a client

from a data communications network for establishing a call with a link server, the link

server being within a PSTN and comprising a means for converting the data

communication message to a PSTN message, (col. 5, lines 38-41).

Although the method of Brady shows substantial features of the claimed

invention, it fails to expressly disclose: utilizing an SIP based client for establishing the

call with the link server.

Nevertheless, the method of Burg teaches: utilizing an SIP based client for

establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill

in the art at the time of the present invention, to modify the teachings of Brady in order

to have the client in the data communications network be an SIP based client. This

would have provided a client that would be taking advantage of a fast, scalable, and

easy to implement protocol, that would be independent of the lower layer transport

protocol, and would therefore improve communication between the client and the link

server, Burg, page 5, paragraph 100.

27. In considering claim 28, the method of Brady further teaches: a link server being a data communications based client, and the user within a PSTN, the link server comprising a means to convert data communication messages to PSTN messages for the user, (col. 5, lines 50-52).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose: the link server being an SIP based client.

Nevertheless, the method of Burg teaches: a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

28. Claims 24, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady, Kelly, and Burg, in view of Korilis.

29. In considering claim 24, the system of Brady further teaches: pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose: pushing web content from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push web content to the remote user. This would have kept the user occupied while waiting in queue at the link server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

30. In considering claim 29, the method of Brady further teaches: pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose: pushing games from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push games to the

remote user. This would have kept the user occupied while waiting in queue at the link

server, and would also help companies advertise to the user while the user is waiting,

Korilis, col. 2, lines 32-45.

Conclusion

31. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hassan Phillips whose telephone number is (571)

272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

HP/
5/6/05